

24554.td2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Norbert KÖCK et al.

Confirmation No. 9279

Group Art Unit: 1742

Serial No. : 10/728,826

Examiner: Kastler, Scott R.

Filed : December 8, 2003

For : DEVICE FOR TEMPERING ROLLED STOCK OF GREAT LENGTHS

TERMINAL DISCLAIMER

Your petitioner, voestalpine Schienen GmbH, a corporation organized under the laws of Austria, whose business address is Kerpelystrasse 199, A-8700 Leoben, Austria, represents that it is the owner of the entire right, title and interest in the above-identified application by virtue of an assignment from the inventors to VOEST-ALPINE SCHIENEN GmbH & CO KG recorded in the U.S. Patent and Trademark Office on March 25, 2002 at Reel 012715, Frame 0363, for its parent, U.S. Application No. 09/998,159, now U.S. Patent No. 6,689,228 B2, an assignment from VOEST-ALPINE SCHIENEN GmbH & CO KG to VOEST-ALPINE VERMÖGENS-VERWALTUNGS-GmbH, a change of name of VOEST-ALPINE VERMÖGENS-VERWALTUNGS-GmbH to VOEST-ALPINE SCHIENEN GmbH, and a change of name from VOEST-ALPINE SCHIENEN GmbH to voestalpine Schienen GmbH.

It is certified that to the best of the undersigned's knowledge and belief, title is in the assignee.

Your petitioner, voestalpine Schienen GmbH, hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified application which

P24554.td2

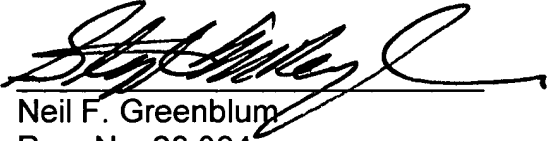
would extend beyond the expiration date of U.S. Patent No. 6,689,228 B2, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,689,228 B2, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 as presently shortened by any terminal disclaimer of Patent No. 6,689,228 B2 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the failure of common ownership stated above.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: July 25, 2005

Respectfully submitted,
Attorney for Petitioner


Neil F. Greenblum
Reg. No. 28,394

Stephen M. Roylance
Reg. No. 31,296



GREENBLUM & BERNSTEIN, P.L.C.
Intellectual Property Causes
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

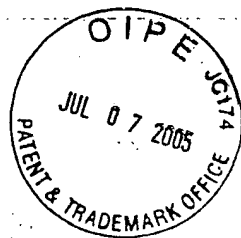
7/06/2005

File In: Mullin

The Patent Office Date stamp hereon is an acknowledgement that, on the date indicated, the Patent Office received the following:

Y/ 3 Executed Change of Name to documents, w/ verified English translations
W/ 3 separate Amendment Form and cover sheets

- | | |
|---|--|
| <input type="checkbox"/> Amendment | <input type="checkbox"/> Claim of Priority & Certified Copy of |
| <input type="checkbox"/> Executed Assignments and cover letter | <input type="checkbox"/> Declaration <input type="checkbox"/> Executed |
| <input type="checkbox"/> Executed S.E.S. <input type="checkbox"/> S.E.S. Assertion | <input type="checkbox"/> Unexecuted |
| <input type="checkbox"/> Req. for Ext. of Time | <input type="checkbox"/> Copy from parent |
| <input checked="" type="checkbox"/> Fee Filing | <input type="checkbox"/> Transmittal Letter |
| Recording <input checked="" type="checkbox"/> | <input type="checkbox"/> Patent Application |
| Issue <input type="checkbox"/> | <input type="checkbox"/> Provisional <input type="checkbox"/> Reexam |
| Extension <input type="checkbox"/> | <input type="checkbox"/> Reissue <input type="checkbox"/> Design |
| Publication <input type="checkbox"/> | <input type="checkbox"/> Continuation <input type="checkbox"/> CIP |
| <input type="checkbox"/> Fee Transmittal | <input type="checkbox"/> Divisional |
| <input type="checkbox"/> Maintenance Fee Payment | _____ pages (w/abstract) |
| <input type="checkbox"/> PTOL-85B Issue Fee & Publication Fee (with Copy) | _____ claims _____ independent |
| <input type="checkbox"/> Cover Letter Regarding Drawings | _____ sheets of drawings |
| <input type="checkbox"/> Design Patent Application Transmittal | _____ figures |
| <input type="checkbox"/> Utility Patent Application Transmittal | <input type="checkbox"/> I.D.S. form PTO-1449 & |
| <input type="checkbox"/> Provisional Application Cover Sheet | Documents <input type="checkbox"/> as attached |
| <input type="checkbox"/> Request for Continued Examination (RCE) including Submission | <input type="checkbox"/> as listed on reverse |
| <input checked="" type="checkbox"/> Cover Letter Submitting Separate Amendment & Transmittal Cover Sheets | <input type="checkbox"/> One self-addressed postcard |
| <input type="checkbox"/> Credit Card Payment for \$ | <input type="checkbox"/> Certification under 1.97(e) |
| (Form PTO-2038) | <input type="checkbox"/> Certificate of Mailing (C-O-M) |
| <input checked="" type="checkbox"/> Check No. 54844 for \$ 240.00 | <input type="checkbox"/> Returned Envelope |
| <input type="checkbox"/> Rule 53b and 53f Letter for Unexecuted Application | |
| <input type="checkbox"/> Application Data Sheet | |



In the matter of : DEVICE FOR TEMPERING ROLLED STOCK OF GREAT LENGTHS

COPY

7/6/05 HM

Applicant : Norbert KOCK et al.

Application No. : 10/728,826

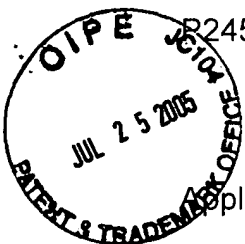
Patent No. : 6,689,118

Filed : 12/08/03

Issued : 02/10/04 7/6/05 HM

Docket : P24554
P21751

HM



P24554.A07

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Norbert KÖCK et al.

ASSIGNMENT DIVISION

Serial No. : 10/728,826

Filed : December 8, 2003

Patent No. : 6,689,228

Issued: February 10, 2004

For : DEVICE FOR TEMPERING ROLLED STOCK OF GREAT LENGTHS

**COVER LETTER SUBMITTING
SEPARATE ASSIGNMENT RECORDATION COVER SHEETS**

Office of Public Records Customer Service Window
2nd floor, South Tower Building
2900 Crystal Drive, Arlington 22202

COPY

Sir:

Submitted herewith are three separate Recordation Cover Sheets requesting recordation of an assignment and two changes of name as set forth in the attached Official Abstract of title, of which a verified translation is attached.

The following conveyances are set forth:

Assignment from VOEST-ALPINE SCHIENEN GmbH & CO KG to
VOEST-ALPINE VERMOEGENS-VERWALTUNGS-GmbH,
November 9, 2001;

Change of name from VOEST-ALPINE VERMOEGENS-
VERWALTUNGS-GmbH to **VOEST-ALPINE SCHIENEN GmbH,**
November 9, 2001; and

Change of name from VOEST-ALPINE SCHIENEN GmbH to
voestalpine Schienen GmbH, March 29, 2002.

Recordation of these conveyances with respect to U.S. Patent No. 6,689,228 and U.S. Patent Application No. 10/728,826 is respectfully requested.

Should there be any questions regarding this application, the Office is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
Norbert KÖCK et al.

Neil F. Greenblum
Reg. No. 28,394

July 6, 2005
Greenblum & Bernstein, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

COPY

FORM PTO-1595

RECORDATION FORM COVER SHEET
PATENTS ONLYU.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

To the Honorable Director of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of Conveying party(ies):

Independent sales division of VOEST-ALPINE SCHIENEN GmbH & CO KG

2. Name and address of receiving party(ies)

Name: VOEST-ALPINE VERMÖGENS-VERWALTUNGS-GmbH

Internal Address: _____

Street Address: Kerpelystrasse, A-8700 Leoben,AUSTRIA

City: _____ State: _____ ZIP: _____

Additional names(s) and address(es) attached? ☐ Yes ☒ NoAdditional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☒ Other Verified English language translationExecution Date: November 9, 2001

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

10/728,826

B. Patent No.(s)

6,689,228Additional numbers attached: ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Neil F. GreenblumInternal Address: P24554Street Address: GREENBLUM & BERNSTEIN, P.L.C.1950 Roland Clarke PlaceCity: Reston State: VA ZIP: 201916. Total number of applications and patents involved: 27. Total Fee (37CFR 3.41) \$80.00☒ Enclosed☐ Authorized to be charged to deposit account

8. Deposit account number:

19-0089

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Neil F. Greenblum, Reg. No. 28,394

Name of Person Signing

Signature

Date

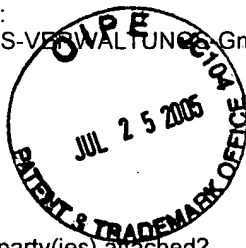
Total number of pages including cover sheet, attachments and document: 4

Mail documents to be recorded with required cover sheet information to:
 Director of the United States Patent and Trademark Office, Mail Stop Assignments Recordation Services
 U.S. Patent and Trademark Office
 Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

FORM PTO-1595

RECORDATION FORM COVER SHEET
PATENTS ONLYU.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

To the Honorable Director of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of Conveying party(ies):
VOEST-ALPINE VERMÖGENS-VERWALTUNG GmbHAdditional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

☐ Assignment ☐ Merger
☐ Security Agreement ☒ Change of Name
☒ Other Verified English language translation
Execution Date: November 9, 2001

2. Name and address of receiving party(ies)

Name: VOEST-ALPINE SCHIENEN GmbH

Internal Address: _____

Street Address: Kerpelystrasse, A-8700 Leoben,AUSTRIA

City: _____ State: _____ ZIP: _____

Additional names(s) and address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)
10/728,826B. Patent No.(s)
6,689,228Additional numbers attached: ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Neil F. GreenblumInternal Address: P24554Street Address: GREENBLUM & BERNSTEIN, P.L.C.1950 Roland Clarke PlaceCity: Reston State: VA ZIP: 201916. Total number of applications and patents involved: 27. Total Fee (37CFR 3.41) \$80.00☒ Enclosed☐ Authorized to be charged to deposit account

8. Deposit account number:

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Neil F. Greenblum, Reg. No. 28,394

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments and document: 4

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PATENT AND TRADEMARK OFFICE

To the Honorable Director of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of Conveying party(ies):
VOEST-ALPINE SCHIENEN GmbHAdditional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

☐ Assignment ☐ Merger
☐ Security Agreement ☒ Change of Name
☒ Other Verified English language translation
Execution Date: March 29, 2002

2. Name and address of receiving party(ies)

Name: voestalpine Schienen GmbH

Internal Address: _____

Street Address: Kerpelystrasse, A-8700 Leoben,AUSTRIA

City: _____ State: _____ ZIP: _____

Additional names(s) and address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

10/728,826

B. Patent No.(s)

6,689,228Additional numbers attached: ☐ Yes ☒ No

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Name: Neil F. GreenblumInternal Address: P24554Street Address: GREENBLUM & BERNSTEIN, P.L.C.1950 Roland Clarke PlaceCity: Reston State: VA ZIP: 201916. Total number of applications and patents involved: 27. Total Fee (37CFR 3.41) \$80.00☒ Enclosed☐ Authorized to be charged to deposit account

8. Deposit account number:

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Neil F. Greenblum, Reg. No. 28,394

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments and document: 4

Mail documents to be recorded with required cover sheet information to:
 Director of the United States Patent and Trademark Office, Mail Stop Assignments Recordation Services
 U.S. Patent and Trademark Office
 Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

VERIFICATION OF TRANSLATION

I, Robin Esterberg

of 67 Canterbury Road
Waltham, MA 02453

declare that I am well acquainted with both the German and English languages, and that the attached is a literal translation, to the best of my knowledge and ability, of the German language document attached hereto.

COPY

I further declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and, further, that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-captioned application or any trademark issued thereon.

Signature

Robin Esterberg
Robin Esterberg

Date

19 May 2004

DR. GERALD ALBERER
NOTARY PUBLIC

PARKSTRASSE 3
8700 LEOBEN


TELEPHONE: 03842/42182-0
FAX: 03842/42182-42

E-MAIL: gerald.alberer@notar.at
DVR: 1061712

Verification pursuant to § 89 a NO*

Pursuant to § 89 a (Paragraph eighty-nine a) of the applicable Regulations for Notaries, I verify on the basis of the review of the commercial register undertaken personally and by electronic means today that -----

1. with the entry in the commercial register dated 12/20/1997 (December twentieth, nineteen hundred ninety-seven), **VOEST-ALPINE SCHIENEN GmbH**, registered under FN 63455 t of the Leoben Regional Court, has been dissolved and struck from the register due to transformation with simultaneous establishment of the partnership **VOEST-ALPINE SCHIENEN GmbH & CO KG**, registered at the Leoben Regional Court under FN 165399 I, pursuant to § 5 (Paragraph five) of the Law Regulating Transformation of Companies, -----
 2. with the entry in the commercial register dated 11/09/2001 (November ninth, two thousand and one), the **independent rails division** of **VOEST-ALPINE SCHIENEN GmbH & CO KG** registered under FN 165399 i has been transferred, with the industrial property rights that are part of the assets of the independent "rails" division of the company, to **VOEST-ALPINE VERMÖGENS-VERWALTUNGS-GmbH**, registered at the Leoben Regional Court under FN 140118 g, -----
 3. the name of the company registered under FN 140118 g as **VOEST-ALPINE VERMÖGENS-VERWALTUNGS-GmbH** was changed with the entry in the commercial register dated 11/9/2001 (November ninth, two thousand and one) to **VOEST-ALPINE SCHIENEN GmbH**, and with the entry in the commercial register dated 03/29/2002 (March twenty-ninth, two thousand and two) to **voestalpine Schienen GmbH**. -----
- Leoben, 4/27/2004 (April twenty-seventh, two thousand and four). -----

[signature] 
Notary Public

[Seal: Dr. Gerald ALBERER
Notary Public
Leoben / Steiermark]

* Translator's Note: "NO" stands for the German word "Notariatsordnung", which translates as "Regulations for Notaries"



DR. GERALD ALBERER
ÖFFENTLICHER NOTAR

PARKSTRASSE 3
8700 LEOBEN

TELEFON: 03842/42182-0
TELEFAX: 03842/42182-42

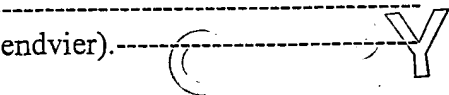
E-MAIL: gerald.alberer@notar.at
DVR: 1061712

Bestätigung gemäß § 89 a NO.

Aufgrund der heute im elektronischen Weg und persönlich vorgenommenen Einsicht in das Firmenbuch bestätige ich gemäß § 89 a (Paragraf neunundachtzig a) der geltenden Notariatsordnung, dass -----

1. die zu FN 63455 t des Landesgerichtes Leoben registrierte **VOEST-ALPINE SCHIENEN GmbH** mit Firmenbucheintragung vom 20.12.1997 (zwanzigster Dezember neunzehnhundertsiebenundneunzig) gemäß § 5 (Paragraf fünf) Umwandlungsgesetz durch Umwandlung unter gleichzeitiger Errichtung der im Landesgericht Leoben zu FN 165399 i registrierten Personengesellschaft **VOEST-ALPINE SCHIENEN GmbH & CO KG** aufgelöst und gelöscht wurde, -----
 2. der **Teilbetrieb Schienen** der zu FN 165399 i registrierten **VOEST-ALPINE SCHIENEN GmbH & CO KG** mit Firmenbucheintragung vom 09.11.2001 (neunter November zweitausendeins) mit jenen gewerblichen Schutzrechten, die Vermögensbestandteil des Teilbetriebes „Schienen“ sind, in die im Landesgericht Leoben zu FN 140118 g registrierte **VOEST-ALPINE VERMÖGENS-VERWALTUNGS-GmbH** übertragen wurde, -----
 3. der Firmawortlaut der zu FN 140118 g registrierten **VOEST-ALPINE VERMÖGENS-VERWALTUNGS GmbH** mit Firmenbucheintragung vom 09.11.2001 (neunter November zweitausendeins) in **VOEST-ALPINE SCHIENEN GmbH**, und mit Firmenbucheintragung vom 29.03.2002 (neunundzwanzigster März zweitausendzwei) in **voestalpine Schienen GmbH** geändert wurde. -----
- Leoben, am 27.4.2004 (siebenundzwanzigsten April zweitausendvier).-----





öffentl. Notar